

CRIMINAL COMPLAINT

United States District Court		DISTRICT Eastern District of Pennsylvania	
UNITED STATES OF AMERICA v. JUSTIN KIM MIN SEO KIM		DOCKET NO.	
		MAGISTRATE'S CASE NO. 09-1103	
Complaint for violation of Title 18 United States Code §§ 371 and 1546			
NAME OF JUDGE OR MAGISTRATE Honorable LYNNE A. SITARSKI		OFFICIAL TITLE U.S. Magistrate Judge	LOCATION Philadelphia, PA
DATE OF OFFENSE June/July 2008	PLACE OF OFFENSE Philadelphia, PA	ADDRESS OF ACCUSED (if known) JUSTIN KIM, 167 Roosevelt Place, Palisades Park, NJ 07650 MIN SEO KIM, 279 George Road, Apt. 102, Cliffsides Park, NJ 07010	
COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION: Between in or about early 2009 and at least May 2, 2009, in the Eastern District of Pennsylvania, and elsewhere, defendants Justin Kim and Min Seo Kim and others conspired to possess documents prescribed by statute and regulation as evidence of authorized stay in the United States, that is, United States visas, knowing them to be forged, counterfeited, altered, falsely made, and otherwise procured by fraud and unlawfully obtained, in violation of 18 U.S.C. §§ 371 and 1546(a).			
BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED: SEE AFFIDAVIT ATTACHED HERETO.			
MATERIAL WITNESSES IN RELATION AGAINST THE ACCUSED:			
Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.		SIGNATURE OF COMPLAINANT (official title) Kelly L. Richards <i>Kelly Richards</i>	
		OFFICIAL TITLE Special Agent, ICE	
Sworn to before me and subscribed in my presence:			
SIGNATURE OF MAGISTRATE ⁽¹⁾ <i>Lynne A. Sitariski</i> Honorable LYNNE A. SITARSKI, United States Magistrate Judge		DATE 7/7/2009	

1) See Federal Rules of Criminal Procedure rules 3 and 54.

A F F I D A V I T

I, Kelly L. Richards, being duly sworn, state as follows:

1. I am a Special Agent of United States Immigration and Customs Enforcement ("ICE"). I have been employed as an ICE Special Agent since March 2008 and was previously employed as an Investigative Specialist with the Federal Bureau of Investigation for approximately four and one-half years. I am currently assigned to the Document and Benefit Fraud Task Force in Philadelphia and am authorized to investigate violations of federal laws and execute search and arrest warrants.

2. ICE Special Agent Alexander E. Zuchman is the case agent assigned to this investigation. I have spoken to Agent Zuchman and am familiar with this investigation. This affidavit is based on, among other things, my training and experience in conducting criminal investigations, my personal knowledge, review of documents, public records, and other evidence, and conversations with other law enforcement agents and officers, including other experienced ICE agents and law enforcement officers with whom I work. I have not included every fact I have learned during the investigation but only sufficient facts to establish probable cause.

3. Based on the evidence obtained in the investigation thus far, I have probable cause to believe that, between in or about early 2009 and at least May 2, 2009, in the Eastern District of Pennsylvania, and elsewhere, defendants Justin Kim and Min Seo Kim, and Kak Lee, Hyung J. Chang, and others conspired to possess documents

prescribed by statute and regulation as evidence of authorized stay in the United States, that is, United States visas, knowing them to be forged, counterfeited, altered, falsely made, and otherwise procured by fraud and unlawfully obtained, in violation of 18 U.S.C. §§ 371 and 1546(a).

4. The investigation has disclosed that, on or about May 2, 2009, Chang entered the Columbus Boulevard Pennsylvania Department of Transportation (“PennDOT”) Driver’s License Center and applied for a Pennsylvania Identification Card and driver’s license. As proof of identification and his legal status in the United States, Chang presented a Korean passport in the name of “Hua Xuan” and a forged United States visa. Prior to Chang’s appearance at the PennDOT office, officials had received a tip that Korean nationals may present forged United States visas.

5. Despite this tip, Chang was able to obtain a fraudulent temporary Pennsylvania driver’s license in the name of Hua Xuan. Agent Zuchman has reviewed copies of materials Chang presented to PennDOT officials. The passport is in the name of “Hua Xuan” and lists a date of birth of June 10, 1972. It was issued on April 3, 2002 and expires on April 3, 2012. The passport purports to contain a United States R1 visa number 20040799322001. An R1 visa is a religious visa. The visa purports to have been issued on May 4, 2004 and expires on May 4, 2014. Agent Zuchman has confirmed through a check of the United States Department of State’s Consolidated Consular Database that this visa was not issued and is forged. The forged visa is of high quality

and has been stamped with a Department of Homeland Security stamp.

6. Pursuant to a complaint and warrant, Chang was arrested in Palisades Park, New Jersey, for his role in the scheme described in this affidavit. He has been cooperating with law enforcement since then. On July 2, 2009, Chang was indicted in the Eastern District of Pennsylvania for misuse of a visa.

7. Chang stated that he obtained the Korean passport containing the forged United States visa from a person he knew as "Mr. Lee" and identified a picture of Lee as "Mr. Lee." Chang reported that Lee referred Chang to another person who supplied Chang with a social security card, the Korean passport, and other documents. Chang identified this other person as "Mr. Koo." Chang admitted to being illegally present in the United States and that he wanted to obtain new identification because his prior driver's license was due to expire.

8. Chang stated that he paid Lee a total of \$3,600 for the Pennsylvania driver's license. Chang reported that Mr. Koo drove him to Pennsylvania in order to apply for the license and supplied him with the false documents that he arranged with Lee to obtain to use to apply for the fraudulent Pennsylvania driver's license. Chang received a temporary Pennsylvania driver's license and did not receive a permanent Pennsylvania license as he thought he would. Following Chang's arrest on June 2, 2009, Chang pointed out Lee's residence to federal agents as 540 Lincoln Avenue, Ridgefield, New Jersey. On June 23, 2009, Chang recorded a conversation with Lee in which Chang

asked Lee about the “license,” referring to the permanent Pennsylvania driver’s license that he sought from Lee. Lee responded that it was “very difficult” and that Chang would need to have “photos ready.”

12. On July 7, 2009, federal agents arrested Lee at his residence. When arrested, Lee provided the true name of “Mr. Koo” and provided agents with a general area where they could find Koo.

13. At the time of the execution of the warrant, federal agents interviewed a cooperating witness (“CW”) who is a close associate of Lee and who has extensive knowledge of Lee’s fraudulent documents manufacturing operation. The CW told agents that the CW knew why the agents had arrived to arrest Lee. When the agents told the CW they were there to arrest Lee because of his involvement in a fraudulent document manufacturing business, the CW stated that the CW knew all about Lee’s business. The CW stated that Lee is trained in the “fine arts” and has been manufacturing fraudulent visas, passports, and other identification documents for the past 17 years. The CW explained that Lee did not manufacture the fraudulent documents in his residence, but maintained a studio nearby where he manufactured the false documents and told agents the CW would take them to the studio. The CW stated that Lee has told the CW that Lee uses the studio to prepare the false documents used in his business. The CW further explained that Lee charges individuals between \$3,000 and \$4,000 per person for these false documents. The CW stated that Lee also arranges for individuals to travel to


Pennsylvania to use these false documents to obtain driver's licenses.

14. The CW further stated that Lee has five people working for him in his business and that all of their names and telephone numbers will be stored in Lee's cellular telephone. The CW also explained that driving schools in New York and New Jersey refer business to Lee and that Lee has prepared several hundred of these fraudulent passports and visas. The CW also explained that Lee uses a computer to manufacture fraudulent identity documents and that Lee keeps a computer at 26 E. Ruby Avenue.

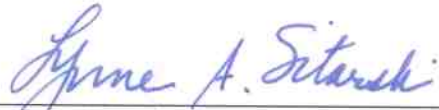
15. On July 7, 2009, after Lee's arrest, the CW received a call from someone the CW identified to agents as a worker in Lee's fraudulent document business. The caller inquired about whether Lee had been arrested and informed the CW that the caller would be arriving at Lee's house at approximately 2 p.m. in a black Lexus. Defendants Min Seo Kim and Justin Kim arrived at Lee's residence in a black Lexus at approximately 2 p.m. The CW identified the defendants as workers in Lee's fraudulent document business. Defendant Min Seo Kim, an illegal alien, had a fraudulently obtained Pennsylvania driver's license on his person which he admitted Lee had assisted him in obtaining in the Philadelphia area. Defendant Min Seo Kim further stated that he had assisted Lee in his business by driving illegal aliens to the Philadelphia area to obtain fraudulent driver's licenses. He stated that he was paid between \$80 to \$200 by Lee for each illegal alien that he transported to Philadelphia. Defendant Min Seo Kim admitted that he did this approximately two to three times per month for several years.

16. Agents also interviewed defendant Justin Kim, who stated that he assisted Lee by driving illegal aliens to the Philadelphia area to obtain fraudulent driver's licenses. Defendant Justin Kim further stated that he had done this approximately three to four times but denied being paid by Lee for this.

17. The foregoing is true and correct to the best of my knowledge, information, and belief.


KELLY L. RICHARDS
Special Agent, Immigration and Customs Enforcement

Subscribed and sworn before me
this 7th day of July, 2009


HON. LYNNE A. SITARSKI
United States Magistrate Judge